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MARTINEZ, MIGUEL vs. STACEY, ROBERT

7/9/2013

Cause: 201336594

CDI: 7

Court: 080

**APPEALS**

No Appeals found.

**COST STATMENTS**

No Cost Statments found.

**TRANSFERS**

No Transfers found.

**POST TRIAL WRITS**

No Post Trial Writs found.

**ABSTRACTS**

No Abstracts found.

**SETTINGS**

No Settings found.

**NOTICES**

No Notices found.

**SUMMARY****CASE DETAILS**

<b>File Date</b>	6/20/2013
<b>Case (Cause) Location</b>	Civil Intake 1st Floor
<b>Case (Cause) Status</b>	Active - Civil
<b>Case (Cause) Type</b>	PERSONAL INJURY-AUTO
<b>Next/Last Setting Date</b>	N/A
<b>Jury Fee Paid Date</b>	N/A

**COURT DETAILS**

<b>Court</b>	080th
<b>Address</b>	201 CAROLINE (Floor: 9) HOUSTON, TX 77002 Phone:7133686100
<b>JudgeName</b>	Larry Weiman
<b>Court Type</b>	Civil

**ACTIVE PARTIES**

Name	Type	Post Jdgm	Attorney
MARTINEZ, MIGUEL	PLAINTIFF - CIVIL		SANCHEZ, BRENN LYNN

STACEY, ROBERT

DEFENDANT - CIVIL

6820247 CANADA INC (D/B/A T N J TRUCKING) DEFENDANT - CIVIL

6820247 CANADA INC (D/B/A T N J TRUCKING) REGISTERED AGENT  
(CANADIAN CORPORATION) BY

## INACTIVE PARTIES

No inactive parties found.

## JUDGMENT/EVENTS

Date	Description	Order Signed	Post Jdgm	Pgs /Page	Volume Filing Attorney	Person Filing
6/20/2013	ORIGINAL PETITION			0	SANCHEZ, BRENNALYNN	MARTINEZ, MIGUEL

## SERVICES

Type	Status	Instrument	Person	Requested	Issued	Served	Returned	Received	Tracking	Deliver To
			STACEY, ROBERT							72918607
			6820247 CANADA INC (D/B/A T N J TRUCKING) (CANADIAN CORPORATION) BY							72920374

## DOCUMENTS

Number	Document	Post Jdgm	Date	Pgs
56524938	Civil Process Pick-Up Form		06/26/2013	1
56380655	Plaintiff's Original Petition		06/20/2013	4
-> 56380659	Civil Case Information Sheet		06/20/2013	1
-> 56380660	Civil Process Request		06/20/2013	1
-> 56380663	Envelope		06/20/2013	1

CONFIRMED FILE DATE: 6/20/2013

CAUSE NO. **2013 36594**MIGUEL MARTINEZ  
Plaintiff

V.

ROBERT STACEY and  
6820247 CANADA, INC d/b/a T N J  
TRUCKING  
Defendants

IN THE DISTRICT COURT

HARRIS COUNTY, TEXAS

JUDICIAL DISTRICT

FILED  
CHRIS DENNELL  
DISTRICT CLERK  
HARRIS COUNTY, TEXAS  
13 JUN 20 AM 9:26

MAIL PROCESSING DEPUTY C

**PLAINTIFF'S ORIGINAL PETITION**

TO THE HONORABLE JUDGE OF THE COURT:

COME NOW MIGUEL MARTINEZ, Plaintiff in the above-styled and numbered cause and complain of Defendants ROBERT STACEY and 6820247 CANADA, INC d/b/a T N J TRUCKING and for cause would show unto the Court the following:

**I. DISCOVERY LEVEL**

1. Discovery is intended to be conducted under Level 2 pursuant to Tex. R. Civ. P. 190.

**II. PARTIES**

2. Plaintiff is a resident of Harris County, Texas.
3. Defendant, ROBERT STACEY, upon information and belief, is a Canadian resident. Specific information regarding service of process is unavailable at this time.
4. Defendant 6820247 CANADA, INC d/b/a T N J TRUCKING (hereinafter "T N J TRUCKING") is a Canadian corporation whose principal place of business is at 856 Tailbot, Maidstone, ON N0R 1K0 CA, is doing business in the State of Texas under Chapter 17 of Tex. Civ. Prac. & Rem. Code, has no designated agent for process in Texas, and may be served with process by serving the Texas Secretary of State via certified mail at Citations Unit, Secretary of State, P.O. Box 12079, Austin, Texas 78711-2079.

9600028

### **III. JURISDICTION AND VENUE**

5. The amount in controversy exceeds the minimal jurisdictional limits of this Court.
6. Venue is proper in this cause pursuant to CPRC 15.002 in Harris County, Texas because the acts giving rise to this cause of action accrued in Harris County.

### **IV. FACTS**

7. On or about September 28, 2012, Plaintiff was traveling Eastbound near the 10300 block of the Northwest Fwy in Houston, Harris County, Texas, when Defendant, traveling in the lane behind Plaintiff, failed to control his speed and struck Plaintiff from behind. The incident made the basis of this suit caused significant damage to Plaintiff's body. Plaintiff continues to suffer from the severity of his injuries caused by Defendants. ROBERT STACEY was in the course and scope of his employment for T N J TRUCKING during the collision made the basis of this suit.

### **V. CAUSES OF ACTION**

#### **A. ROBERT STACEY: NEGLIGENCE**

8. The motor vehicle collision made the basis of this lawsuit, and Plaintiff's resulting injuries and damages, were proximately caused by the negligent conduct of Defendant ROBERT STACEY as follows:

- a. Failing to keep a proper lookout;
- b. Failing to apply the brakes to his vehicle in a timely manner to avoid the collision in question;
- c. Failing to maintain control of his vehicle;
- d. Failing to give proper warning on an impending collision;
- e. Failing to control his speed;
- f. Failing to pay attention when operating a motor vehicle on our State's public highways; and

- g. Failing to act as a person of ordinary prudence would have acted in same or similar circumstances.

9. Each of these acts and omissions, singularly or in combination with others, constituted negligence that proximately caused the occurrence made the basis of this action and Plaintiffs' injuries and damages.

**B. 6820247 CANADA, INC d/b/a T N J TRUCKING**

**1. *Respondeat Superior***

10. At the time of the collision made the basis of this suit, on or about September 28, 2012, Defendant ROBERT STACEY was acting in the course and scope of his employment and on behalf of Defendant T N J TRUCKING, INC. Accordingly, T N J TRUCKING, INC. is liable for ROBERT STACEY's actions and Plaintiff's damages.

**2. *Direct Negligence***

11. In addition to being legally responsible for ROBERT STACEY's acts of negligence committed in the course and scope of his employment, T N J TRUCKING, INC is independently negligence in at least the following respects:

- a. Hiring a driver that it knew or should have known was unfit and reckless;
- b. Failing to properly supervise ROBERT STACEY; and
- c. Failing to properly train ROBERT STACEY.

12. These acts and omissions were the producing and proximate cause of Plaintiffs' injuries and damages.

**VI. DAMAGES**

13. As a result of the negligent conduct of Defendants, jointly and severally, Plaintiff suffered and continues to suffer severe bodily injuries. Plaintiff suffered and/or will suffer past and future medical

expenses, past and future pain and suffering, past and future mental anguish, past and future physical impairment, and past and future lost wages.

**VII. REQUEST FOR DISCLOSURE**

14. Plaintiff requests that Defendants respond to the disclosure requests contained in Tex. R. Civ. P. 194.2(a)-(l).

**VIII. JURY DEMAND**

15. Plaintiff hereby requests a jury trial and tenders the applicable fee.

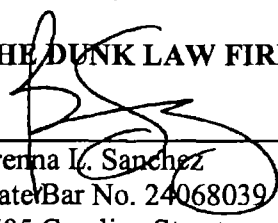
**PRAYER**

WHEREFORE, PREMISES CONSIDERED, Plaintiff prays that Defendants ROBERT STACEY and 6820247 CANADA, INC d/b/a T N J TRUCKING be cited to appear and answer the Plaintiff and that Plaintiff have judgment against the Defendants, jointly and severally, for the following:

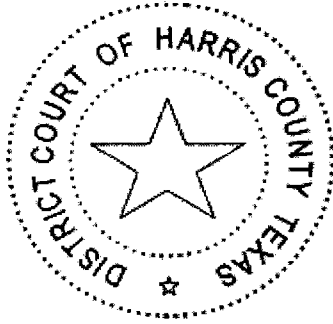
- a. Actual damages;
- b. Prejudgment and post-judgment interest;
- c. Costs of suit; and
- d. All other relief, in law and equity, to which Plaintiff may be entitled.

Respectfully Submitted,

**THE DUNK LAW FIRM, PLLC**

  
Brenna L. Sanchez  
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ATTORNEY FOR PLAINTIFFS



I, Chris Daniel, District Clerk of Harris County, Texas certify that this is a true and correct copy of the original record filed and or recorded in my office, electronically or hard copy, as it appears on this date.  
Witness my official hand and seal of office  
this July 9, 2013

Certified Document Number: 56380655 Total Pages: 4

Chris Daniel, DISTRICT CLERK  
HARRIS COUNTY, TEXAS

**In accordance with Texas Government Code 406.013 electronically transmitted authenticated documents are valid. If there is a question regarding the validity of this document and or seal please e-mail [support@hcdistrictclerk.com](mailto:support@hcdistrictclerk.com)**